



Entered on Docket
January 29, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

JEFFREY G. SLOANE, ESQ.
Nevada Bar No. 000784
KRAVITZ, SCHNITZER, SLOANE &
JOHNSON CHARTERED
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Attorney for Creditor/Movant
FORD MOTOR CREDIT

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:)	In Proceedings Under
)	Chapter 13
TY SPENCE)	BK-S-09-21040-MKN
)	
Debtor.)	Date: December 2, 2009
)	Time: 1:30 p.m.

ORDER DENYING MOTION FOR RELIEF FROM STAY
AND ESTABLISHING GUIDELINES FOR FUTURE DELINQUENCY

Creditor, FORD MOTOR CREDIT's Motion For Relief From Stay having come on before this Court on December 2, 2009; Jeffrey G. Sloane, Esq. of Kravitz, Schnitzer, Sloane & Johnson, Chtd., appearing by and on behalf of FORD MOTOR CREDIT (hereinafter referred to as "Creditor"), TY SPENCE (hereinafter referred to as "Debtor"), appearing by and through counsel, CHRISTIAN N. GRIFFIN, ESQ., as agreed and as evidenced by his signature hereinbelow; and,

1 for good cause appearing,

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Creditor's Motion For
3 Relief From Stay is hereby denied and the following guidelines shall be established in the event
4 of future delinquency.
5

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that arrears due and owing
7 to the Creditor through January 4, 2010, in the amount of \$2,966.08, together with \$475.00 in
8 attorney's fees and costs, for a sum of \$3,441.08, shall be paid as follows:

9 The Debtor shall pay the sum of \$500.00 immediately with the balance of \$2,941.08 to be
10 paid over 6 months, commencing January 15, 2010 at \$490.18 per month.
11

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Debtor shall timely
13 make their contractual payments to Creditor, commencing January 4, 2010.

14 Account number ****0202 shall be identified on all payments to the Creditor and shall be
15 mailed to the following address:

16 FORD MOTOR CREDIT
17 P.O. BOX 55000
18 DRAWER 55-953
19 DETROIT, MI 48255-0983

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Debtor shall remain
21 current on their Plan payments to the Trustee.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Debtor shall keep and
23 maintain proper insurance on the vehicle described hereinbelow naming the Creditor as loss payee
24 beneficiary.
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that should the Debtor fail
2 to pay arrears, fees and costs as outlined hereinabove; fail to remain current with their payments
3 to the Creditor in the future as outlined hereinabove; fail to timely make Plan payments; fail to
4 maintain insurance naming the Creditor as loss payee beneficiary; or encumber said vehicle and
5 thereby affect the Creditor's lien; the Creditor shall give ten (10) days written notice of the Debtor's
6 delinquency to the Debtor and to the Debtor's attorney and thereafter should Debtor fail to cure
7 their delinquency at the expiration of the ten (10) day period, the Creditor may obtain from this
8 Court its Ex Parte Order Lifting Automatic Stay to take possession of the 2005 FORD F150, VIN
9 1FTRF12225NB97998, and sell the same and apply the proceeds of said sale to the indebtedness
10 due the Creditor by the Debtor.
11

12
13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, upon entry of any Order
14 Lifting Automatic Stay on the vehicle described herein, the Debtor shall immediately surrender said
15 vehicle to the Creditor.

16
17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the event the Debtor
18 cure their delinquency pursuant to the 10-day notice, the Debtor shall pay the Creditor \$100.00,
19 along with the payment of the delinquency, as and for attorney's fees for having to send the ten (10)
20 day notice to the Debtor and/or Debtor's counsel.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a conversion of this case
22 to a Chapter 7 case shall be considered a breach of this order and the 10-day notice to pay all sums
23 then due and owing shall be in effect.
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25 ////
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon disposition of the
2 property, the Creditor will amend or delete its Proof of Claim on file with the Court and provide
3 the Chapter 13 Trustee notice of same.
4

5 DATED this 19 day of Jan, ²⁰¹⁰~~2009~~.
6

7 SUBMITTED BY:

8 KRAVITZ, SCHNITZER, SLOANE &
9 JOHNSON, CHTD.

10
11 BY

12 JEFFREY G. SLOANE, ESQ.
13 8985 S. Eastern Ave., Ste. 200
14 Las Vegas, NV 89123
Attorneys for Creditor

15 APPROVED AS TO FORM/CONTENT:
16

17
18 BY

19 CHRISTIAN N. GRIFFIN, ESQ.
20 1020 Garces Ave.
21 Las Vegas, NV 89101
Attorneys for Debtor

22
23
24 BY

25 Did not Respond.
26 RICK A. YARNALL, TRUSTEE
27 701 Bridger Ave., #820
28 Las Vegas, NV 89101

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ALTERNATIVE METHOD re: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows (check one):

() The Court has waived the requirement of approval under LR 9021.

(☒) This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

() This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

() I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Counsel for Plaintiff appeared and the Trustee has not responded.

Date: 1/19/10

/s/JEFFREY G. SLOANE, ESQ.
JEFFREY G. SLOANE, ESQ.
Kravitz, Schnitzer, Sloane & Johnson, Chtd.
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Las Vegas, NV 89123